

BEFORE THE
BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition for
Termination of Probation of:

MICHAEL A. FRAGA

License No. PSY 17169,

Petitioner.

OAH No. N2003010039

DECISION

This matter was heard before the Board of Psychology of the State of California in San Francisco, California, on February 7, 2003. Board members present were: Pamela Harmell, Ph.D., President; William Tan, Vice President; Jacqueline Horn, Ph.D.; Ron Ruff, Ph.D.; Mary Ellen Early; William Thomas, Ph.D.; Howard Adelman, Ph.D.; and Lisa Kalustian. Michael C. Cohn, Administrative Law Judge, State of California, Office of Administrative Hearings, presided.

Petitioner Michael A. Fraga was present and was represented by Frederick John Engbarth, Attorney at Law, 37 Old Courthouse Square, Suite 203, Santa Rosa, California.

David Carr, Deputy Attorney General, represented the Department of Justice, Office of the Attorney General.

The matter was submitted on February 7, 2003.

FACTUAL FINDINGS

1. On July 1, 1997, Michael A. Fraga, Psy.D., (petitioner) filed an application for registration as a psychologist. The Board denied that application because respondent had failed to disclose material facts on an earlier application for registration as a psychological assistant, because he had been convicted of a crime substantially related to the qualifications, functions and duties of a psychologist, and because he had used controlled substances and alcoholic beverages to an extent dangerous to himself or others. Petitioner requested a hearing and a Statement of Issues was filed. Following a hearing on February 19, 1998, in Case No. X-28, the Board issued a decision under which petitioner was granted a probationary registration effective October 22, 1998. Petitioner was placed on probation for five years upon specified terms and conditions.

2. On September 19, 2002, petitioner filed his Petition for Termination of Probation.

3. In addition to the standard probationary terms and conditions, petitioner was required to completely abstain from the use or possession of controlled substances, to abstain from the use of alcohol for two years, to submit to random biological fluid testing for two years, to complete at least one course each year in substance abuse, and to complete a course in law and ethics. Petitioner has complied with all these conditions. All random drug and alcohol tests were negative.

4. Although the period of petitioner's probation is scheduled to run until January 2004, he has established to the satisfaction of the Board that he has rehabilitated himself to the extent that it would not be against the public interest to end that probation early.

LEGAL CONCLUSIONS

Cause exists for early termination of petitioner's probation.

ORDER

The petition for termination of probation is granted. The probation imposed upon petitioner Michael A. Fraga in Case No. X-28 is terminated. Petitioner's license to practice psychology is fully restored.

DATED: March 7, 2003

DECISION EFFECTIVE: March 7, 2003



PAMELA HARMELL, Ph.D.
President, Board of Psychology
Department of Consumer Affairs

DECLARATION OF SERVICE BY CERTIFIED MAIL

In the Matter of the Petition for
Termination of Probation of:

Michael A. Fraga, Psy.D.

OAH No. : N2003010039

I, the undersigned, declare that I am over 18 years of age and not a party to the within cause; my business address is 1422 Howe Avenue, Ste. 22 Sacramento, California 95825. I served a true copy of the attached:

DECISION AND ORDER

by mail on each of the following, by placing same in an envelope (or envelopes) addressed (respectively) as follows:

NAME AND ADDRESS

CERT NO.

Michael A. Fraga, Psy.D.
5320 Eunice
Rohnert Park, CA 94928

7001 1940 0001 2974 8214


Frederick John Engbarth, Esq.
The Empire Building
37 Old Courthouse Square, Suite 203
Santa Rosa, CA 95404

David Carr
Deputy Attorney General
455 GoldenGate Ave., Ste. 11000
San Francisco, CA 94102

Michael C. Cohn, Administrative Law Judge
Office of Administrative Hearings
1515 Clay Street, Ste. 206
Oakland, CA 94612

Each said envelope was then on, March 7, 2003, sealed and deposited in the United States mail at Sacramento, California, the county in which I am employed, as certified mail, with the postage thereon fully prepaid, and return receipt requested.

Executed on, March 7, 2003, at Sacramento, California.
I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.


DECLARANT
Mary Laackmann
Enforcement Analyst